

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE FISHMAN ORGANIZATION, INC.	:	CIVIL ACTION
	:	
Plaintiff	:	
	:	
v.	:	NO. 11-cv-04598
	:	
FRICK TRANSFER, INC.	:	
	:	
Defendants	:	

JUDGMENT ORDER

AND NOW, this 17th day of April, 2013, following upon a nonjury damages trial that occurred on December 6, 2012 and in accordance with the Court's Findings of Facts and Conclusions of Law Memorandum Opinion entered in the above captioned matter on this day, it is hereby **ORDERED** that **JUDGMENT** be entered in favor of The Fishman Organization ("Fishman") and against Frick Transfer, Inc. ("Frick") in the amount of \$161,994.24 plus pre-judgment interest at the rate of 6% per annum, subject to:

1. A credit to Frick in the amount of \$47,374.20 for Fishman's unpaid rent plus prejudgment interest at the rate of 6% per annum;¹ and

2. A credit to Frick in the amount of \$2,200 for the restitution paid to the Plaintiffs to date by Daniel Lewandowski and all future restitution payments.

3. Counsel for the Parties are **ORDERED** to meet and confer within **thirty (30)** days of this Order to attempt to resolve the issue of calculation of prejudgment interest, as discussed in Section I.D. of our Memorandum Opinion filed on this same date. The parties are to

¹ We observe that the parties have agreed that Fishman did not pay rent to Frick due and owing from the months of October 2010 through December 2012. (AFF ¶19.) Frick is entitled to a credit for those months, which the parties agree is an amount of \$47,374.20. *Id.* To the extent, however, that Fishman continues to utilize storage space in Frick's warehouse without providing proper compensation, Frick is entitled to a further credit in the amount of \$1,734.60 per month.

report to the court on or before **Friday, May 17, 2013**. If at that time, the parties report that they have been unable to resolve this issue, further briefing will be ordered.

4. Counts II and III of Plaintiff's Complaint are dismissed.

BY THE COURT:

/s/ David R. Strawbridge
David R. Strawbridge
United States Magistrate Judge